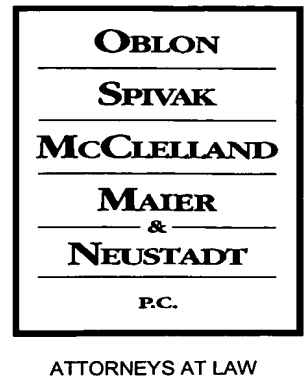




Docket No.: 248795US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/774,419  
Applicants: Toshichika TAKEI, et al.  
Filing Date: February 10, 2004  
For: HEAT PROCESSING APPARATUS AND HEAT  
PROCESSING METHOD  
Group Art Unit: 2818  
Examiner: TRAN, LONG K.

SIR:


Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Steven P. Weihrouch  
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Michael Britton  
Registration No. 47,260

DOCKET NO: 248795US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
TOSHICHIKA TAKEI, ET AL. : EXAMINER: TRAN, LONG K.  
SERIAL NO: 10/774,419 :  
FILED: FEBRUARY 10, 2004 : GROUP ART UNIT: 2818  
FOR: HEAT PROCESSING APPARATUS :  
AND HEAT PROCESSING METHOD

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated August 3, 2005, Applicants provisionally elect, with traverse, Group I (Claims 1-12) for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction and Election requirement because the USPTO has not carried forward its burden of proof to establish that searching and examining both of the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention are part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Restriction and Election

Application No. 10/774,419  
Reply to Office Action of August 3, 2005

requirement on the grounds that a search and examination of the entire application would not place a serious *burden on the Examiner*.

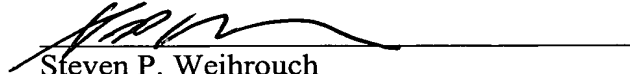
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Respectfully submitted,

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SPW/MB/me

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